

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CURTIS GUY,

Petitioner,

v.

RENEE BAKER, et al.,

Respondent.

Case No. 2:11-cv-01809-MMD-RJJ

ORDER

In this capital habeas corpus action, the petitioner, Curtis Guy, filed an amended habeas petition on May 16, 2012 (dkt. no. 17).

On May 25, 2012, respondents filed a "Motion for Compliance with Scheduling Order" (dkt. no. 20), arguing that Guy did not, in the amended petition, provide adequate information regarding his exhaustion of his claims in state court. In the motion for compliance, respondents sought an order of the Court requiring Guy to file a supplemental statement providing more detailed information regarding his exhaustion of claims in state court.

On November 9, 2012, Guy filed an opposition to the motion for compliance (dkt. no. 37). In the opposition, Guy argued that the motion for compliance should be denied. Guy also set forth, in the opposition, information regarding his exhaustion of each of his claims in state court. See Opposition to Motion (dkt. no. 37), pp. 3-8.

1 On November 15, 2012, respondents filed a reply with respect to their motion for  
2 compliance (dkt. no. 38). In the one-paragraph reply, respondents state:

3 In his opposition, Guy argues that this Court's order requiring him to  
4 provide specific details about whether his claims are exhausted "places an  
5 improper burden on Petitioner to plead an affirmative defense." Docket  
6 #37 at 3. However, notwithstanding this argument, Guy presents  
7 additional information concerning the procedural status of the claims  
8 raised in his amended federal petition. See *id.* at 3-8. Respondents  
9 therefore consider the issue resolved, and request that this Court reset its  
10 briefing schedule in anticipation of Respondents filing a motion to dismiss  
11 or other responsive pleading.

12 Reply (dkt. no. 38), pp. 1-2.

13 Therefore, as respondents consider the issue resolved by Guy's response to  
14 their motion for compliance, the Court will deny that motion, as moot, and will set a  
15 schedule for further response by respondents to the amended habeas petition.

16 IT IS THEREFORE ORDERED that respondents' Motion for Compliance with  
17 Scheduling Order (dkt. no. 20) is DENIED.

18 IT IS FURTHER ORDERED that respondents shall, within 60 days after the entry  
19 of this order, file and serve an answer or other response to the petitioner's amended  
20 petition for writ of habeas corpus (dkt. no. 17).

21 DATED THIS 16<sup>th</sup> day of November 2012.

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24 MIRANDA M. DU  
25 UNITED STATES DISTRICT JUDGE  
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